

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
ADRIANNA MANZELLA, MICHELE  
DZULA, Individually and on  
behalf of all others similarly situated,  
as Class Representatives,

Plaintiffs,

Case No: 1:23-cv-00860-VEC

v.

SELECT REHABILITATION LLC and  
SELECT PT, OT & SLP REHABILITATION  
NEW YORK PLLC, d/b/a SELECT REHAB,  
ANNA GARDINA WOLFE, and MICHAEL  
CAPSTICK individually,

Defendants.

-----X.


**STIPULATION OF VOLUNTARY DISMISSAL PURSUANT to F.R.C.P. 41(a)(1)(A)(ii)**

IT IS HEREBY STIPULATED AND AGREED by and between all named parties and their respective counsel that the above-captioned action is voluntarily dismissed, without prejudice against the defendants: Select Rehabilitation LLC and Select PT, OT & SLP Rehabilitation New York PLLC, d/b/a Select Rehab, Anna Gardina Wolfe and Michael Capstick, individually, pursuant to the Federal Rules of Civil Procedure 41(a)(1)(A)(ii). Plaintiffs' counsel affirms that (1) Plaintiffs have been clearly advised that the settlement of this case does not preclude them from filing another lawsuit against the same Defendants and (2) the settlement agreement does not contain a general release or release of FLSA claims.

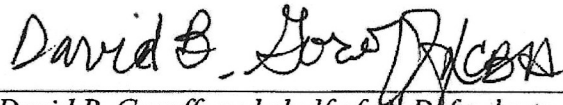
**NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE  
PARTIES THAT:**

This Case is Dismissed without Prejudice.

**IT IS SO STIPULATED AND AGREED, THROUGH COUNSEL OF RECORD.**

  
\_\_\_\_\_  
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Michelle Dzula*

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Anna Gardina Wolfe and Michael Capstick*

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Attorneys for Defendants

  
\_\_\_\_\_  
*Dated*

*6/27/2024*  
\_\_\_\_\_  
*Dated*

Mitchell L. Feldman, on behalf of Adriana Manzella,  
Michelle Dzula and all other Opt-In Plaintiffs and  
Co-Counsel Benjamin Williams

Dated

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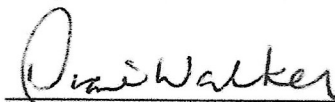
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Diane G. Walker, on behalf of all Defendants, Select  
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6-28-2024  
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Attorneys for Defendants

Application GRANTED. Per the Court's instructions in its May 23, 2024, Order at Dkt. 61, Plaintiff filed a stipulation of voluntary dismissal without prejudice containing an affirmation stating that the Plaintiffs have been clearly advised that the settlement of this case does not preclude them from filing another lawsuit against the same Defendants and stating that the settlement agreement does not contain a release of the Defendants. Because the holding in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015) — requiring that FLSA settlement agreements must be approved by the Court of the Department of Labor — applied only to dismissals *with prejudice*, Plaintiffs' dismissal without prejudice is permissible.

The Clerk of Court is respectfully directed to close the case and terminate any open motions.

SO ORDERED.



7/1/2024

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE